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Letter dated 17 June 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 10 April 2002 (S/2002/382).

The Counter-Terrorism Committee has received the attached supplementary report from Poland, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 14 June 2002 from the Permanent Representative of Poland to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

In response to your letter of 22 March 2002, on behalf of my Government I have the honour to submit herewith to the Counter-Terrorism Committee additional information to the report transmitted to the Committee on 21 December 2001, on the measures taken by the Republic of Poland to implement the provisions of Security Council resolution 1373 (2001) of 28 September 2001 (see enclosure).

My Government stands ready to provide the Committee with further information as necessary, or if requested to do so by the Committee, and to assist it in the assessment of the implementation of the resolution.

I should be grateful if you would have the text of the present letter and the enclosed report circulated as a document of the Security Council.

(*Signed*) Janusz **Stańczyk**
Ambassador
Permanent Representative of the Republic of Poland to the United Nations

Enclosure

Information additional to the report on the implementation by Poland of Security Council resolution 1373 (2001) submitted to the Counter-Terrorism Committee on 21 December 2001*

Sub-paragraph 1 (a)

- **Please could Poland outline in more detail the relevant portions of the laws mentioned in the first paragraph of the section of the report referring to this Sub-paragraph.**

The problem of suppression of the financing of terrorism has become one of the most important in light of the operative provisions of the resolution 1373 (2001). In order to ensure full and comprehensive implementation of the provisions of that resolution relating to financial measures, the Government of Poland has submitted to the Lower House of the Parliament in March 2002 the draft law amending the law of 16 November 2000 on counteracting introduction to financial circulation of property values derived from illegal or undisclosed sources. Translation of the draft law into English is attached to this Information.

The most important amendments connected with the counteracting to the financing of terrorism include:

1) proposal to add in Article 2 items 6 and 7, facilitating to the General Inspector for Financial Information blockade of accounts and definition of the term "terrorist act", in the following wording:

- '6) account blockade – is understood as a temporary hindrance in controlling or using all property values collected on an account, including by the institution obliged,

- 7) a terrorist act – is understood as a crime against peace, humanity and war crimes, crimes violating the general safety and crimes defined in Articles 134 and 136 of the Penal Code,"

It should be noted that the notion of „account blockade" is by its nature identical with „freezing of account" used in resolution 1373 (2001) and other relevant Security Council resolutions

2) proposal to add after Article 16 a new Article 16a, which relates to the transfer by the General Inspector for Financial Information to obliged institutions communications on persons, suspected of assisting or participating in the perpetration of terrorist acts. This Article facilitates the initiation of procedure of blockade of financial means on the account. It has the following wording:

"Art. 16a.1. The General Inspector, on the basis of the information held, shall hand over to the institution obliged information about entities justifiably suspected of having connections with terrorist acts.

2. The institution obliged shall immediately notify the General Inspector about the fact of maintaining an account of an entity mentioned in item 1 as well as of transactions in which that entity appears as a party.'"

3) proposal to modify Article 3 section 5 concerning exchange of information between General Inspector for Financial Information and his foreign equivalents, which aims at improving the performance of tasks imposed on Inspector by the law. The proposed Article has the following wording:

'5. The information connected with the introduction to the financial circulation of property values derived from illegal or undisclosed sources, as well as with the financing of terrorism may be made available by the General Inspector to foreign institutions mentioned in Article 4, point 7 on the basis of mutual favour in ways defined in bilateral agreements concluded by the General Inspector.',

4) Modification of the title of the law. If accepted by the Parliament it would read as follows: "on counteracting introduction to financial circulation of property values derived from illegal or undisclosed sources and on counteracting financing terrorism".

Complemented by the said proposed amendments the law, which scope and application was described in general terms in the Report of Poland submitted to the CTC on 21 December 2001 will become solid basis for smooth and effective implementation of financial restrictions.

* The annexes referred to in the present report are on file with the Secretariat and are available for consultation.

- **Please report on progress with the ratification and implementation of the International Convention on the Suppression of the Financing of Terrorism (1999).**

The Ministry of the Interior and Administration, which is a competent organ in case of this Convention has finalised required interministerial consultations and will submit to the Government draft law authorising the President of the Republic of Poland to ratify the Convention before the end of June. When adopted by the Government, the draft will be submitted to the Parliament for legislative procedure.

- **The CTC would be grateful for a report on the outcome of the prosecutions mentioned in this section of the report and an outline of the cases in question.**

The examined cases related above all to criminal terrorism with domestic nature. No procedural material indicating connections of organised criminal groups or individuals with international terrorist groups or international terrorism were found.

In one case concerning the intent to introduce to the trade of considerable amount of financial means the initiated investigation has been suspended, pending the response from the Federal Republic of Germany. It followed from the notice of one of the banks directed to the General Inspector for Financial Information (on the basis of article 16 of the Law of 16 November on counteracting introduction into financial circulation of property values derived from illegal or undisclosed sources) that on the day of the said notice a customer appeared in the bank, who offered the sale of 380.000.000 Kuwaiti dinars at a very lowered exchange rate. He explained that exchange rate by uncertain economic situation of Arab states after terrorist attacks in the USA. He acted as a representative of a company with registered place of business in Germany. The currency had to be transferred to the Polish bank and thereafter to an account in Germany. The said individual also offered the repurchase of that bank of 300 cheques at 2000 USD each issued by one of the banks in the United States. The transaction has not been finalised due to refuse by the bank of the said offers.

Sub-paragraph 1 (b)

- **Please provide an account of cases of successful prosecutions or, if there have not been any, an analysis of the link, for prosecution purposes, between an act (such as collecting of money) carried out in Poland and another act, specially of a terrorist nature, carried out in another country by persons having no personal connection, such as citizenship or usual residence, with Poland.**

The answer to this request is given in the comments to Subparagraph 1 (a) third indent (account of prosecutions) and Subparagraph 1 (d) and 2 (b). (legal link between preparatory activity in Poland and commission of terrorist act abroad).

Sub-paragraph 1 (c)

- **Please report on progress with the freezing of funds and other financial assets or economic resources of persons, who commit, or attempt to commit, terrorist acts, or who participate in or facilitate the commission of such acts and please provide an outline of any relevant legislation actual or proposed.**

The answer to this request is given in the comments to Subparagraph 1 (a) first and third indent.

Sub-paragraph 1 (d)

- **What preventive controls and surveillance measures are in place to ensure that funds intended for the financing of terrorism are not transferred through charitable, religious or cultural organisations?**

In accordance with Article 18 (3) of the Penal Code, whoever, with an intent that another person should commit a prohibited act, facilitates by his behaviour the commission of the act, particularly by providing the instrument, means of transport, or giving counsel or information, shall be liable for aiding and abetting. Furthermore, whoever, acting against a

particular legal duty of preventing the prohibited act, facilitates its commission by another person through his omission, shall also be liable for aiding and abetting.

In accordance with Article 19 (1) of the Penal Code the court will decide on penalty for aiding within the limits provided for the perpetration.

Taking into account the foregoing, the Polish legal system allows for prosecution and punishment of individual financing the perpetrator of a crime. It relates both to persons acting individually and persons committing actions in the institutions carrying out public activity.

Sub-paragraph 2 (a)

- **Does Article 258 of the Penal Code apply both to groups formed within Poland and groups formed outside for the purpose of perpetrating terrorist acts? Have there been successful prosecutions to bear out the assertion that that is the case?**

Article 258 of the Penal Code applies to each domestic and international organised group aiming at the perpetration of crimes. It should be borne in mind that the Penal Code provides in Articles 110-112 for liability of an alien before a Polish court for crimes committed abroad, if he committed abroad a crime:

- against the interests of the Republic of Poland, Polish national, Polish corporate person or Polish organisational unit with legal personality (Article 110 (1));
- other than that referred to in Article 110 (1), if that crime in the Polish law calls for penalty exceeding 2 years of imprisonment, and the perpetrator finds himself in the territory of the Republic of Poland and there has been no decision to extradite him (Article 110 (2)).

The condition of the said liability is recognition of such act as crime also by the law in force in the place of its commitment (Article 111), provided that regardless of the said provisions, alien is subject to the Polish jurisdiction, in accordance with Article 112 of the Penal Code in case of commission of crime:

- against internal or external security of the Republic of Poland;
- against Polish institutions or public officers;
- against essential Polish economic interests;
- false testimony before a Polish institution.

It also should be noted that in accordance with the universal jurisdiction principle expressed in Article 113 of the Penal Code: "Notwithstanding regulations in force in the place of commission of the offence, the Polish penal law shall be applied to a Polish national or an alien, with respect to whom no decision on extradition has been taken, in the case of the commission abroad of an offence, which the Republic of Poland is obliged to prosecute under international agreements." The scope of application of that provision is however subject to ongoing detailed analysis aiming at the determination whether all the cases of behaviour determined in the Subparagraph 2 (a) of the Resolution 1373 (2001) would be subject to the Polish jurisdiction.

- **Please could Poland provide a report on the practical administration of those laws, with particular reference to the control of the sale and possession of weapons.**

The report on practical administration of the law of 29 November 2000 on the control of external trade in goods, technologies and services of strategic importance both for state security and for the keeping of international peace and security has been already provided to the CTC as Appendix 2 to the Report of 21 December 2001. Since the time of submission of the report no new circumstances or modifications occurred.

The obligation to adopt the Law of 22 June 2001 on the implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (CWC) followed from the Convention itself, as a national measure to implement it. Non-proliferation of weapons of mass destruction, including chemical weapons remains important priority of the foreign policy of Poland. As a member of Anti-Terrorist Coalition Poland attaches great importance to the Convention and its verification organ – Organisation for the Prohibition of Chemical Weapons (OPCW) in the Hague.

On the basis of the Law (following Article VI of CWC annual declarations are submitted by National Authority, which is Minister for Foreign Affairs to the OPCW. National limits for the production of toxic substances have been established and process of destruction of chemical weapons has been finalised.

The cooperation between competent organs, determined in the Law, with National Authority playing central role in this system, guarantees full and strict implementation of CWC. The Law established a system of verification and control, cooperation with chemical industry, control of exportation and importation, conditions of declarations, cooperation with customs institutions and other control organs, exchange of information between the Secretariat of the OPCW and National Authority, implementation of the CWC in the chemical industry. This system is adjusted to other legal provisions in force in Poland in the sphere of control of trade.

There exist in Poland legal means and other arrangements in force for counteracting international terrorism in the sphere of nuclear materials (National Atomic Energy Agency is responsible institution in this regard). The most important act is the Regulation of the Council of Ministers of 31 July 2001 on Physical Protection of Nuclear Materials - pursuant to obligations under the Convention of Physical Protection of Nuclear Materials (open for signature in 1980 and ratified by Poland on 3.03.1989) and to requirements for a State System for physical protection of nuclear materials defined in the recommendation INFCIRC/225 rev.4 of the International Atomic Energy Agency. The Regulation requires from users of nuclear materials that they shall be protected according to principles of the IAEA.

Since 11 September 2001 more stringent procedures of physical protection have been implemented in the facilities of the Institute of Atomic Energy.

Poland is bound by:

1. Treaty on the Non-Proliferation of Nuclear Weapons ratified on 8 March 1972.
2. Agreement between Poland and the International Atomic Energy Agency for the application of Safeguards in Connection with the Treaty on the Non-proliferation of Nuclear Weapons - INFCIRC 179 (based on the IAEA INFCIRC/153) which entered into force on 11 of October 1972. This document establishes the rules for nuclear safeguards in Poland.
3. Atomic Law of 29 November 2000 with further amendments. The Law requires that activities involving use of radioactive materials shall be licensed and requires physical protection of nuclear materials.
4. Regulation of Council of Ministers of 31 July 2001 on Nuclear Materials Accountancy pursuant to obligations contained in the Agreement on Safeguards between Poland an the IAEA, ratified in 1972. The Agreement embodies main obligation under Non-proliferation Treaty concerning nuclear materials. The Regulation requires from users strict accounting for quantities and types of nuclear materials in use and admitting inspections according to requirements of the accountancy system of the International Atomic Energy Agency.
5. Additional Protocol to the Agreement on Safeguards between Poland and the IAEA (see No. 2 above) - as the INFCIRC 179 Add.1, which was ratified on 5 May 2000.

   The Protocol institutes system of declarations and inspections for entities where activities having some relevance for nuclear cycle are carried. Declarations concern e.g. export of equipment and non-nuclear material listed in Annex II.

Other activities by the National Atomic Energy Agency

The Non-proliferation Section of the NAEA hosts a Point of Contact for voluntary exchange of information with the data base of the IAEA on cases of illegal transporting of nuclear and radioactive materials.
To combat illegal handling radioactive and nuclear materials a complex of activities is carried:

1) prevention (regulations concerning i.e. export control of strategic goods),
2) detection (measurement instruments at border check points),
3) training for officers of Border Guards and custom officers,
4) Co-operation with other state services (Police, Customs and other).

Sub-paragraph 2 (b)

- **Please provide a list of the bilateral and multilateral treaties relating to the exchange of information in this area to which Poland is, or proposes to be, party. Please also describe the progress made in putting in place legislation and administrative mechanisms to give effect to these treaties, in particular the proposed legislation relating to the EUROPOL Convention.**

Full list of bilateral and multilateral treaties relating to exchange of information and operational cooperation has been attached to the Report transmitted to the CTC on 21 December 2001. Since the submission of the Report Poland has not become party to any new treaty in this field. Poland is negotiating bilateral agreements concerning cooperation in combating organised crime with the following states: Argentina, Austria, Bulgaria, Cyprus, Chile, India, Kazakhstan, Mexico, Sweden, Uzbekistan and Vietnam.

The Agreement between the Government of the Republic of Poland and the European Police Bureau "EUROPOL" on the cooperation in combating crime, singed on 3 October 2001, has been passed through the Parliament, which authorised in virtue of the law of 14 March 2002 the President of the Republic of Poland to ratify it. Ratification instrument awaits the signature of the President. When signed the instrument will be sent to the European Commission and the Agreement will enter into force on the day of the receipt of the instrument of ratification of Poland.

Taking into account the position of international treaties in the system of sources of law in Poland, which is described in more detail in the comments to Sub-paragraph 3 (d), second indent no further legislative actions or administrative measures are needed to implement it, since they exist already.

After the signature of the Agreement EUROPOL has proposed to the Polish Government the extension of scope of the crimes covered by the Agreement, to which the cooperation relates (*inter alia* inclusion of terrorism). This proposal is subject to legal analysis by the Polish institutions and the formal position on that issue will be formulated soon.

Sub-paragraph 2 (e)

- **Where acts preparatory to a terrorist incident take place in Poland (such as collection of money) but the terrorist incident takes place outside Poland, is it clear that the preparatory acts can be prosecuted in Poland? If they can on the basis of being preparatory to the commission of a crime, what gives the act in the other country the character of a crime under Polish law?**

The basis for proceedings in this case is Penal Code. In accordance with its Article 6 (2) "A prohibited act shall be deemed to have been committed at the place where the perpetrator has acted or has omitted an action, which he was under obligation to perform, or where the criminal consequence has ensued or has been intended by the perpetrator to ensue."

The case, which is indicated in the CTC question above (collection of money) will relate to the preparation to commit terrorist act. Liability for the preparation will be covered by liability for commission of offence by the same person.

When one person on the territory of Poland participated in the preparation, and another committed offence abroad, a person acting in Poland will be liable for aiding the perpetration of the offence abroad (Article 18 (3)) and in circumstances determined in Article 18 (1) of the Penal Code even for ancillary.

In the situation when the effect of an offence was abroad, the provisions of Chapter XIII – Liability for offences committed abroad (Article 109-114) of the Penal Code will apply accordingly.

- **Did the special commission established by the President of the Republic of Poland to elaborate the amendments to the Penal Code conclude that there was no need to create any new offences specifically related to terrorism? Please outline the special commission's conclusions in that regard.**

The Commission established by the President of the Republic of Poland finalised its work by submitting to the Lower House of the Parliament draft laws amending the Penal Code and Penal Proceedings Code, *inter alia* in relation with the acts identical by nature with terrorist acts. These proposals aim at making more severe the penal liability for some of the offences of terrorist nature, and moreover signal the need to modify the Penal Code through:

- penalisation of taking over the control over land transport mean by using deceit or violence against a person or threat to use such violence (until now Article 166 of the Penal Code penalises such actions in relation with water transport and aircraft),
- penalisation of exportation abroad of waste or substances in such conditions or manner that it could pose threat to life or health of many persons, destruction in flora and fauna in considerable amount (up to now Article 183 (2) of the Penal Code provides for appropriate internal protection),
- penalisation of false notice on direct threat of event, which endangers life or health of many persons or property in considerable amount, knowing that such danger does not exist (this new provision of Article 172 (a) of the Penal Code will precise the principles of liability for so-called false alarms).

as well as modification of the Penal Proceedings Code by improvement of control and recording of telephone calls in criminal proceedings and extension of scope of offences, in case of which the control and recording of calls may be applied.

- **Please also provide a progress report on the proposed amendments to the Penal Code outlined in this section of the report.**

The legislative works in the Parliament aiming at the introduction to the Penal Code and Penal Proceedings Code of the amendments referred to in indent above have not been finalised yet. The amendments are subject to review in appropriate Parliamentary committee.

Sub-paragraph 2 (f)

- **Please could Poland outline the provisions of the Penal Proceedings Code, which relate to assistance to other states.**

The principles of legal assistance to states are determined in the Penal Proceedings Code Section XIII: Procedure in criminal matters in international relations. The provisions of the said Section determine in detail the procedure in the cases concerning:

- immunities of persons belonging to diplomatic missions and consular offices of foreign states (Articles 578 – 584);
- legal assistance and delivery of documents in criminal matters (Articles 585 – 589)
- taking over and transfer of criminal prosecution (Articles 590 – 592);
- application to extradition or transport of prosecuted or sentenced persons resident abroad and surrender of objects (Articles 593 – 601);
- applications of foreign states to extradite or transfer of prosecuted or sentenced persons or to surrender objects (Articles 602 – 607);
- taking over and transfer of sentenced persons to serve the sentence (Articles 608 – 611).

Article 615, contained in final provisions provides that: *The provisions of this Chapter shall not apply if international agreement, to which the Republic of Poland is party, provides otherwise.*

- **Please also outline the forms of assistance provided for under the bilateral agreements and other international instruments mentioned in the section of the report referring to sub-paragraph 2 (b).**

The forms of assistance provided for under the bilateral agreements and other international instruments mentioned in the report, include:

- cooperation in investigation of suspected criminals, detection of criminals, tracing the proceeds of crime,
- establishment of direct channels of communication between the competent organs,
- simplification of the procedure with requests for information,
- exchange of:
    - information, including operational one,
    - experience and information relating, in particular, to methods of combating organised crime as well as new forms of criminal activity,
    - results of research on crime detection and criminology,

- information on national criminal law and application thereof,
- information on methods and technical equipment used to combat crime,
- personnel with the view to sharing professional expertise in the field of prevention and combating crime,
- specialised publications in the field of combating crime,
- information regarding:
  - organisers and perpetrators of crime, including their personal data,
  - structure of criminal groups,
  - behavioural patterns of organisers of crime, perpetrators of crime and criminal groups,
  - modus operandi of persons and organisations suspected of involvement in commission of crimes,
  - crimes committed and activities preparatory to intended crimes,
  - circumstances in which crime is committed and action taken by law enforcement agencies.

Sub-paragraph 2 (g)

- **Please provide information on the effectiveness of the measures taken by Poland to improve controls of the issuance of identity papers and travel documents and to prevent counterfeiting, forgery or fraudulent use of such documents. Has there been any quantified improvement in interceptions of false or fraudulent documents?**

The reports from competent authorities (Ministry of the Interior and Administration, Police, Border Guard) indicate clearly that since the introduction of new identity papers, in accordance with the European Union standards, the prevention of counterfeiting, forgery or fraudulent use of such documents has improved considerably. Cooperation by Polish institutions with international organs and competent authorities in other states, which is carried out on the basis of relevant agreements, is also essential in this area.

Sub-paragraph 3 (c)

- **Does Poland have any arrangements for cooperation with other states in relation to the prevention and suppression of terrorist attacks and to take action against perpetrators, in situations not calling for the invocation of provisions such as Article 5 of the Washington Treaty or Article 51 of the UN Charter?**

Sub-paragraph 3 (d)

- **Please provide a report on the ratification and implementation of the international instruments mentioned in the answer or awaiting ratification by Poland.**

Poland is not yet party to 4 anti-terrorist conventions and protocol:

1. International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997. The Convention was signed by Poland on 14 June 1999.

The request for ratification has been prepared by the Ministry of the Interior and Administration.

2. International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999. The Convention was signed on 4 October 2001 during the 56th session of the UN General Assembly.

The information has been provided in the response to the CTC comments to Subparagraph 1 (a), second intend.

3. Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988.

The request for ratification of the Protocol is still in the phase of preparation.

4. Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991.

The request for ratification of the Protocol is still in the phase of preparation.

- **Please also report on the progress made in giving effect, as a matter of domestic law, to the anti-terrorist conventions, which Poland has ratified.**

In accordance with Article 91 section 1 of the Constitution of the Republic of Poland: *International treaties ratified, upon their publication in the Journal of Laws of the Republic of Poland forms part of domestic legal order and shall be applied directly, unless its application depends on the issuance of a law.* In accordance with section 2 of that Article: *International treaty ratified with prior consent expressed in law has priority over the law, if the said law cannot be reconciled with that agreement.*

It follows from the provision of Article 91 section 1 of the Constitution that ratified international treaties (this applies to all anti-terrorist conventions and protocols, to which Poland is party) enjoy privileged position in the system of the sources of law in Poland. They apply in the same way as internal laws and have priority over executive acts and administrative measures, which should be consistent with international treaties. In case of discrepancies between a treaty and a law, the priority of the former is indisputable.

The legislation in the fields referred to in the anti-terrorist conventions and protocols is fully compatible with international obligations of Poland.

Sub-paragraph 3 (e)

- **What laws and administrative arrangements have been made for the implementation of the nine conventions and protocols mentioned in the answer?**

The majority of the conventions and protocols are applied directly in Poland. The legislation enabling Poland to implement some of the anti-terrorist conventions and protocol existed prior to their ratification, while some of them had to adapted to the their provisions. Major legislative and administrative measures taken by Poland related to the adaptation of the legislation included modifications to Penal Code and Penal Proceedings Code, aviation law and atomic law.

Sub-paragraph 3 (f)

- **Please provide a translation of Article 50 of the law on aliens.**

„Art. 50. 1. The alien, upon his request, may obtain asylum in the Republic of Poland if it is indispensable to ensure to him protection or if it is justified by important interest of the Republic of Poland.

2. The alien, who has been granted asylum, shall obtain permission for establishment."

Sub-paragraph 3 (g)

- **Please provide a translation of Articles 41a and 42 of the law on aliens.**

„Art. 41a. 1. The alien shall be refused refugee status due to blatant lack of justification of the request, if his request for refugee status in light of collected evidence material:

1) gives no basis whatsoever justifying the alien's apprehension of persecution, referred to in Article. 1A of the Geneva Convention,
2) is based on conscious misleading organ or aims at abuse of proceedings in refugee status.

2. There are no bases whatsoever justifying the alien's apprehension of persecution, in particular when:

1) alien does not indicate his apprehension of persecution due to his race, religion, nationality, belonging to determined social group or his political convictions, but states other reasons of request for granting of refugee status, as in particular searching for job or better life conditions,
2) alien indicates his apprehension of persecution, which occurrence is limited to determined parts of the territory of his country of origin or other country, in which he is permanent resident, if he could with no obstacles transfer to other part of the territory of this country and enjoy the protection provided for in Article 33.1 of the Geneva Convention,
3) alien does not state essential information concerning the circumstances connected with his apprehension of persecution.

3. Request to grant refugee status is based on conscious misleading of the organ or aims at abuse of proceedings of granting of refugee status if:

1) contains obviously unreliable or improbable data or facts stated in it are not coherent or contains obvious inconsistencies,
2) it was submitted by alien, who came from safe country of origin,
3) alien states false information on his identity or submits other false evidence,
4) alien, acting in bad faith, has destroyed, damaged or hidden evidence essential in the proceedings or has disposed of it,
5) alien, while having opportunity to early submit the request, has requested the status of refugee only to avoid expulsion.

4. The organ engaged in the proceedings concerning granting of refugee status, having found the existence of any of the circumstances referred to in section 1, shall immediately issue decision to refuse to grant refugee status due to obvious lack of justification of the request.

Art. 42. Alien shall be refused the refugee status, if:

1) he obtained refugee status in other state, which ensures to him appropriate protection,
2) fails to meet the conditions referred to in Article 1 A of the Geneva Convention and New York Protocol,
3) there are circumstances referred to in Article 1 F of the Geneva Convention,
4) enjoys the protection or assistance of organs or agencies of the United Nations other than UN High Commissioner for Refugees."

Paragraph 4

- **Has Poland addressed any of the concerns expressed in paragraph 4 of the resolution?**

Poland shares the concern expressed in the resolution 1373 (2001) relating to the close connection between international terrorism and transnational organised crime, illicit drugs, money-laundering, illegal arms-trafficking, and illegal movement of nuclear, chemical, biological and other potentially deadly materials. Coherent system of international obligations, domestic legislation, together with regulations providing for practical measures in this field will ensure effective prevention and suppression of terrorist acts.

It was the Government of Poland, who proposed in the forum of the United Nations General Assembly to elaborate universal convention on combating transnational organised crime. The United Nations Convention against Transnational Organised Crime, signed in Palermo on 12-15 December 2000, which draft was originally submitted by Poland, addresses some of the above mentioned concerns.

The coordination of efforts against international terrorism on national, subregional, regional and international levels, is matter of concern for Poland. Poland was promoter of an important initiative in the region of Central and Eastern Europe, namely the Warsaw Conference on Combating Terrorism, which took place on 6 November 2001. It was one of the first initiatives after the terrorist attacks against targets in the United States.

The Conference, in which participated Presidents and Prime Ministers of 17 states and representatives of 8 observers, including United Nations, European Union, Organisation for Security and Cooperation in Europe and NATO, adopted Declaration, which stressed the need for as broad and effective as possible efforts in the field of combating international terrorism, through diplomatic, financial, economic, law-enforcement, intelligence and military cooperation as

well as the exchange of information. The Conference adopted Action Plan, which outlines forms and methods of struggle against international terrorism in the region, including the preparation of regular reports on national measures taken in this regard.

The Warsaw Conference was conceived and proved to be an open-ended process. Within this process a working meeting of chief security advisers to the Presidents of states was organised in Kharkiv, Ukraine and in autumn this year the Government of Romania will host a high-level conference to review the achievements and experience of regional efforts initiated in Warsaw.

Poland believes that all valuable measures taken at national, subregional and regional levels, in political, legal and practical aspects need to be coordinated. Only through real interaction between the national and regional institutions and initiatives international community could ensure more effective, united and sustained response to the problem of international terrorism, which is matter of global concern.

Other matters

For organisational charts and principles of functioning of the administrative institutions established to give practical effect to the laws, regulations and other documents contributing to compliance with the Resolution, please refer to the following websites, which also provide with information in English:

Police, including Central Bureau of Investigation: www.kgp.gov.pl

Border Guard (Immigration): www.sg.gov.pl

Customs Service: www.guc.gov.pl

Taxation organs and financial supervision authorities (Ministry of Finance, General Inspector for Financial Information, taxation authorities): www.mofnet.gov.pl